

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OLLIE SHANNON,

Plaintiff,

v.

EXPERIAN CREDIT CO.

Defendant.

Case No. 08-11281

Honorable David M. Lawson

Magistrate Judge Virginia M. Morgan

ORDER ADOPTING REPORT AND RECOMMENDATION,
DISMISSING CLAIM, AND REMANDING CASE

Presently before the Court is the report issued on May 28, 2007, by Magistrate Judge Virginia Morgan pursuant to 28 U.S.C. § 636(b) recommending that this Court grant the defendant's motion to dismiss the *pro se* plaintiff's complaint. The magistrate judge concluded that the complaint's Fair Credit Reporting Act claim is barred by the two-year statute of limitations, 15 U.S.C. § 1681p, and that the remainder of the complaint contains only state law claims that should be remanded to state court. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 8] is **ADOPTED**.

It is further **ORDERED** that the portion of the plaintiff's complaint alleging a violation of the Fair Credit Reporting Act is **DISMISSED with prejudice**.

It is further **ORDERED** that the remainder of the case is **REMANDED** to the Michigan Thirty-Sixth District Court for further proceedings.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 17, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 17, 2008.

s/Felicia M. Moses
FELICIA M. MOSES